

# **Red Cliff Band of Lake Superior Chippewas**

## **SPECIAL COUNCIL MEETING**

September 21, 2010

4:30 p.m. Bingo Hall

Meeting called to order at 4:30 p.m. by Rose Soulier, Tribal Chairperson.

### **ROLL CALL:**

Rose Soulier, Present

Marvin Defoe, Present

Laura Gordon, Present

Dennis Soulier, Present

Mike Gurnoe, Present

Larry Deragon, Present

Jeanne Gordon, Present

Ray DePerry, Absent

Jim Pete, Present

Quorum

In attendance: Mark Montano, Director Tribal Operations, Jeff Gordon, IVC General Manager, David Ujke, Tribal Attorney and community members. Council member Ray DePerry is out of town.

### **AGENDA**

Add Personnel Issue under Executive Session and put #8 with #5. Larry Deragon moved to approve amended agenda. Seconded by Laura J. Gordon. Motion carried.

### **OPENING CEREMONY**

Opening ceremony performed by Frank Montano

### **COMMUNITY INPUT/ANNOUNCEMENTS**

Gretchen Morris informed the Council and community about the Ojibwe Drum and Dance Troop that will be meeting on Tuesday and Thursday at the Elderly Center working with the youth this starts on September 9, 2010. There will be singing and dancing at Greunke's parking lot during Applefest weekend. They received donations from Isle Vista Casino and the Bayfield School for this and requesting a monetary donation from the Tribe to help with costs for the dancers. Question was asked about using pow-wow funds. This has nothing to do with the Pow-wow Committee.

Jim Pete moved Administration work out the details for a monetary amount for this event. Seconded by Jeanne Gordon. Motion carried.

Gretchen Morris asked for support for efforts to get a football team together. It will consist of Bayfield and Washburn students. There will be a support letter going out to the community for signatures.

Carolyn Gouge' informed the Council the pow-wow is a continuation from last year's Applefest that went very well. A suggestion was to have someone tell our story while the dancing is going on.

Jim Pete moved to go on record supporting the efforts for football and for the healthy life style activities. Seconded by Dennis Soulier. Motion carried.

Jean Buffalo informed the Council and Community about the garden project and it is doing well with all the support received for it. Eventually they would like to see a building on site. They are trying to establish a formal process for when people receive vegetables they will be counted for future funding sources. Jean thanked the many volunteers for assisting with the farm. The Chairperson commented that the farm has made great strides these past few years.

Bob Bear concern was the Buffalo pipe that was returned to Red Cliff was there a follow up meeting regarding it? Vice Chairman Marvin Defoe stated that a scheduled planned meeting will be coordinated in the near future and ideas will be discussed at that time.

Jim Pete stated the mural at school will be dedicated on November 22<sup>nd</sup> with a feast for the community. Bob asked who owns the Buffalo pipe? The Red Cliff Tribe does.

Carolyn Gouge' informed everyone there will be activities at the museum on Madeline Island on September 30, 2010. Carolyn will keep the Council informed on this.

Etta Charette stated she is planning to have a benefit to help defray costs of an attorney. She is looking for volunteers from the community to assist her with this event.

Ground breaking for the new casino is scheduled for October 1<sup>st</sup> at 10 a.m. in the campground. Everyone is welcome to attend.

Attention Seniors: BIA Home Improvement Program has monies for renovation of your home, contact the Red Cliff Housing for more information.

Marvin Defoe stated the Elderly program is selling apple pies and apple crisp for \$7.00 during apple festival weekend by Isle Vista, they also will deliver. This is being coordinated by Bruce Topping and Fran Cadotte.

#### **CASINO REPORT/JEFF GORDON & MARVIN DEFOE**

Financials will be done in Executive Session and Community members are welcomed.

Jeff stated the Committee has a recommendation on the name for the new casino "Legendary Waters" owned and operated by the Red Cliff Band of Lake Superior Chippewas. The lake is the legend and there is a variety of ways it can be marketed. The other four names were: Four Seasons, Northern Winds, Buffalo Bay and Lake View. Discussed names submitted by community members.

Jim Pete moved to name it Buffalo Bay Resort/Casino owned and operated by The Red Cliff Band of Lake Superior Chippewas. Motion died for lack of a second.

Dennis Soulier moved to go with recommendation of "Legendary Waters" owned and operated by Red Cliff Band of Lake Superior Chippewas. Seconded by Larry Deragon. 2 opposed (Jim Pete and Laura J. Gordon). Motion carried.

Marvin Defoe gave an update, they want to finalize the contracts soon then go to Council for approval. Another successful job fair was held with approximately 50 to 60 people there. David Ujke stated once the contracts are finalized they will be submitted to the Division of Gaming at the State Office.

Question was asked about the Church Property: there was a letter that was sent to the Bishop of the Superior Diocese. The Red Cliff Parish Council is meeting tomorrow night to discuss the Church Property.

Question asked about the campground, a couple of sites on the corner will be used. Question in reference to the community hall, can community members get any of the materials from this building? This could be made as part of the sub contract with a time frame on it. Regarding the Arts and Crafts there is still the issue of the buried tank under the building, there is a process that has to be followed to stay in compliance with the grant.

Dennis Soulier moved to go into Executive Session. Seconded by Jim Pete. Motion carried.

Dennis Soulier moved to return to Regular Session. Seconded by Marvin Defoe. Motion carried.

Mike Gurnoe moved to approve the Casino Report. Seconded by Laura J. Gordon. Motion carried.

### **COMPLIANCE REPORT**

Carol has been busy with the Internal Audit report it would be much easier if it was broken down into quarters instead of an Annual Report. The State is here completing the yearend audit. Question about the facility license? This is done by the Gaming Commission every two years. The new casino will need one and it has to be into the State 120 days before the doors open. There will need to be other documents that have to be sent along such as land description and so forth. Carol has a sample letter on this.

Jim Pete moved to approve Compliance Report. Seconded by Jeanne Gordon. Motion carried.

### **GAMING COMMISSION REPORT**

Dennis Soulier moved to table report until the second meeting in October 2010. Seconded by Jeanne Gordon. Motion carried.

### **OLD BUSINESS**

Taxation/David Ujke

Council received my memo of August 30<sup>th</sup> along with a memo from Milt Rosenberg regarding the issue of taxation. All Tribal members are subject to federal tax with the exception of treaty rights (fishing etc). Tax for goods and services delivered to the Reservation if you live on the reservation you don't have to pay. Off Reservation purchase such as Walmart are subject to sales tax. The Appeals panel was set up to hear disputes and not our Court. The Court was not granted the authority to hear disputes. Not paying federal taxes you are subject to the Internal Revenue Service penalties. Discussed.

Ron DePerry stated the tax issue being confusing and there are only 7 people here. Need to be provided to the community, the issue of wording what it means, did it pass or fail on adoption, referendum issues bring those to the people and explain them.

#### **Elders Bar Exam**

Research was done by Laura Belanger on what other Reservations do on this. Some take bar exam, some have a Waiver, some do an application. The Judge is willing to clarify this issue, advocacy needs to be defined.

Jim Pete moved the official age of elders is 50 years old with exception of those programs that have a specific age requirement to participate. Motion died for lack of a second. Kathy Hanson: Previous Councils set this at 55 years of age.

Consensus Executive Committee to meet with Judge Gurnoe on this issue and bring back to Council.

#### **Flag**

Discussed had went with the first flag adding the two clans and taking OGICHIDAA off of it. Larry Deragon moved to approve the flag with changes taking OGICHIDAA off and adding two clans. Seconded by Jim Pete. 1 abstention (Laura J. Gordon). Motion carried.

#### **John Deere Tractor**

Dennis Soulier moved to approve the bid by Frontier Ag & Turf for \$69,000 plus \$1000 for stabilizer and \$2000 for hydraulic for a total of \$72,000 for John Deere tractor. Seconded by Jim Pete. Motion carried.

#### **NEW BUSINESS**

#### **RESOLUTION**

Jim Pete moved to approve the Resolution 9/21/10A regarding Professional Services Agreement with Red Cliff and EMR INC. Seconded by Mike Gurnoe. Motion carried.

#### **DIVISION ADMINISTRATION GOALS/PRIORTIES/MARK MONTANO**

Mark met with the Division Administrators and they broke it down to three areas: 1) Detect and Address Community Need, 2) Capitalize on Strengths, 3) Capacity. Council

will meet with the Administrators to implement. Consensus of Council is to move forward.

#### **ED. DEPT. POLICY & PROCEDURES CHANGE**

The change is from "Adult Vocational Training Program" to "Job Training Program". Dennis Soulier moved to approve. Seconded by Jeanne Gordon. Motion carried.

#### **LAW ENFORCEMENT COMMISSION**

Letter received by Thomas Jeffords of resignation from the Red Cliff Law Enforcement Commission. Jeanne Gordon moved to accept the resignation. Seconded by Marvin Defoe. Motion carried.

#### **LAW ENFORCEMENT COMMISSION RECOMMENDATION**

At their monthly meeting on 9/14/10 the Law Enforcement Commission recommends appointing Matthew Defoe to replace Thomas Jeffords on the Law Enforcement Commission. Jim Pete moved to approve recommendation. Seconded by Jeanne Gordon. Motion carried.

#### **TENANT ASSOCIATION/STEVEN BOYD**

Steven presented the Tenant Association By-laws to the Council. Discussed and have Legal to review them first.

#### **COUNCIL POLL**

Larry Deragon moved to ratify Council poll of 9/8/10A for Secured Transactions Ordinance. Seconded by Mike Gurnoe. Motion carried. This is needed as part of the Shakopee documents.

Dennis Soulier moved to go into Executive Session. Seconded by Larry Deragon. Motion carried.

Marvin Defoe moved to return to Regular Session. Seconded by Laura J. Gordon. Motion carried.

Jeanne Gordon moved to rescind previous motion by Ray DePerry to go with recommendation of Joe Bresette for Family Services Administrator. Seconded by Jim Pete. Motion carried. (Referenced in August 24, 2010 Meeting Minutes)

Jeanne Gordon moved to go with Joe Bresette as Family Services Administrator with Lynne Basina as alternate. Seconded by Jim Pete. Motion carried.

Jim Pete moved to recess until 3:30 on Wednesday for interview of a CFO. Seconded by Laura J. Gordon. Motion carried. (9:00 p.m.)

Dennis Soulier made a motion to Reconvene Tribal Council Meeting at 3:42 p.m. on Wednesday September 22, 2010. Seconded by Jeanne Gordon. Motion Carried.

Mike Gurnoe moved to go into Executive Session. Seconded by Jeanne Gordon. Motion Carried.

Dennis Soulier makes a motion to return to Regular Session. Seconded by Marvin Defoe. Motion Carried.

Mike Gurnoe makes a motion to have Administration to negotiate and hire Rick Peterson as Chief Financial Officer (CFO). Seconded by Larry Deragon. Motion Carried.

Jeanne Gordon makes a motion that the Chief Financial Officer (CFO) immediate supervisor will be the Chairperson, Vice Chairman, and Director of Tribal Operations (DTO) to follow chain of command. Seconded by Larry Deragon. Motion Carried

Larry Deragon moved to adjourn. Seconded by Dennis Soulier. Motion Carried

Adjourned: 5:10 p.m.

Respectfully Submitted:



Kathy Hanson  
Recording Secretary

ATTEST:



Laura J. Gordon, Secretary  
Red Cliff Tribal Council